

UNITED STATES CIVIL SERVICE COMMISSION

Washington 25, D. C.

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March 31, 1952

Honorable Olin D. Johnston
United States Senate

Dear Senator Johnston:

I have your letter of March 25, asking for a general report as to what procedures would be followed and what rules and regulations would be established by the Civil Service Commission with respect to appointments, transfers, promotions, and reinstatements during the continuation of this emergency period in the event Section 1310 of the Appropriations Act, 1952 (the Whitten Rider), is repealed during this session of the Congress.

Before reply to your specific question, it might be well to review briefly here the nature and purpose of the major provisions of the Whitten Rider. These are, as we see them:

- (1) A requirement that initial appointments to positions in the Federal service shall be made on a temporary or indefinite basis in order to prevent increases in the number of permanent personnel above the total number of permanent employees existing on September 1, 1950. The purpose of this is to simplify the readjustment downward of the Federal force at the end of the emergency.
- (2) A requirement that all promotions be made on a temporary basis. This provision is intended to prevent the upgrading of the Federal force during the emergency and to facilitate the readjustment of the grades of employees following termination of the emergency.
- (3) A requirement that all reinstatements be made on a temporary basis. This requirement, like that in (1) above, is aimed at keeping the permanent force at the pre-emergency level.

- (4) A provision for encouraging the transfer of employees from nondefense to defense activities, principally through the grant of reemployment rights. This is aimed at assisting defense activities to meet their recruitment needs.
- (5) Specific time and grade restrictions on promotions. These requirements are designed to prevent excessively rapid promotions.
- (6) A provision for survey of the grades and basic pay levels of Federal positions on an annual basis. This survey is designed to bring about the elimination or readjustment of the grade or basic salary of the positions as changes in, or elimination of, emergency functions make such actions appropriate.

I wish to point out that in presenting the program outlined later in this report we have been unable, within the time allotted, to have the program as a whole given the very careful and deliberate review by the Federal Personnel Council, the Defense Departments and other agencies concerned, and the Commission itself, that would normally be required for a program of this magnitude. Our planning and discussions with interested groups until now have been based on the assumption that a modified form of the Whitten Rider would be enacted. Many of the points in the program outlined herein have been developed from our earlier planning and consultation with those groups. I believe that it should be made clear that if the Commission is free to adopt a program without the restrictions of the Whitten Rider it would take further steps to consult with interested organizations and agencies concerning the program as a whole and might revise the program to some degree in the light of the representations made by those organizations and agencies. Also, it would in the future review and change or revise the program as changing circumstances warrant in accordance with our best judgment of the kind of personnel program required by the Federal Government. For that reason, I request that the Committee, while considering this report as reflecting the current thinking of the Commission nevertheless consider it as a report of a tentative program.

We have been influenced in preparing this report by a number of assumptions as to the nature of the current emergency as it reflects on personnel administration in the Federal Government. It may be of interest to the Committee to outline these assumptions:

- (1) The current emergency is a limited one in contrast to the all-out emergency we had during World War II. (We have kept in mind the possibility that it may turn into an all-out emergency). We will have a military force of

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approximately 3.7 million and a defense production capacity to maintain that military force and to furnish certain military equipment to other countries. In World War II there was an all-out effort and after the war was over, there was an equally short and rapid reduction in the size of our Armed Forces, our Federal civil service, and our Nation's defense production.

- (2) The current emergency is indefinite in duration whereas the emergency in World War II was definitely limited in duration. We cannot foresee a specific point in time when the current emergency will end. It may continue for 10, 15, or 20 years.
- (3) During this emergency there will be a continuous flow of persons away from the national labor supply into the military service as well as return to the national labor supply from the military service. The return of veterans to the civilian labor supply will take place continuously during the emergency; we do not foresee total demobilization at one time as occurred immediately following World War II. Likewise, we do not foresee a sudden sharp decline in the size of the Federal civilian force; rather, that decline will be gradual over a relatively long period of time.

With the above qualifications and based on the indicated assumptions it would be the Commission's intent to adopt the following type of program with respect to appointments, promotions, reinstatements and transfers in the event the Whitten Rider is repealed during this session of Congress:

A. APPOINTMENTS

Following the passage of the first Whitten Rider and acting under the authority of Executive Order 10180 the Commission adopted on December 1, 1950 a program for making initial appointments to the competitive civil service on a nonpermanent basis with very few exceptions. While it would have been legally permissible to make a larger number of permanent appointments the Commission believed that it was necessary in order to meet the recruiting needs of the defense agencies to limit sharply the number of permanent appointments. The defense agencies had to build their forces far above the September 1, 1950 level whereas the non-defense agencies did not generally do so. Without the general limitation on permanent appointments the non-defense agencies would have had an advantage in recruitment over defense agencies in view of their ability to offer permanent appointments.

On the whole this program worked well under the circumstances at the beginning of the emergency. Lately, however, the Commission has been increasingly concerned with the fact that the size of the permanent force is declining sharply. With the prospect of a long-term emergency, continuation of the present program would eventually create a need for a costly reconversion program at the end of the emergency.

It would be our intent, should the Whitten Rider be repealed, to adopt the appointment program below. In planning this program we have given careful consideration to other alternatives and to the views of interested Members of Congress. At the same time we have been concerned that, insofar as possible, the program be such as not to place the defense agencies at a disadvantage in recruiting. The Commission believes it would be well to continue a limitation on the total number of permanent employees in the Federal Government, such as that contained in the Whitten Rider. It plans to maintain that or a comparable limitation. Our appointment program would be:

- (1) Permanent type appointments would be authorized in the Postal Field Service. The recruitment for this service can be undertaken under a permanent appointment program without disadvantage to the defense agencies.
- (2) Generally, a new type of competitive appointment would be authorized in the rest of the service. These would be called Civil Service Reserve appointments. They would grant the appointees civil service status but only indefinite tenure. In this way the permanent force (comprising those employees having permanent tenure) could be kept below the September 1, 1950 or comparable level while at the same time maintaining a uniform appointment system which would not place the defense agencies at a disadvantage.
- (3) Appointees serving under Civil Service Reserve appointments could be converted to permanent tenure without further examination. This could be done periodically or at the termination of the emergency. Any conversions during the emergency would be limited by the limitation on the total number of permanent employees.

B. PROMOTIONS

1. Permanent Promotions

The objective of the Whitten Rider requirement that all promotions shall be made on a temporary basis is sound. However, this requirement has proved extremely cumbersome in operation and inequitable in its treatment of career employees as against new appointees.

The objective of the requirement is to prevent the permanent upgrading of the force and to simplify readjustments at the end of the emergency. The Commission believes that this objective can be achieved in a more equitable and orderly manner through over-all control of the number of permanent employees in the service and through the review and readjustment of grades of positions under authority of the Classification Act of 1949. As long as the requirement for temporary promotions is continued, the Commission sees no equitable and feasible method of permitting on a large scale permanent appointments up to the September 1, 1950, or comparable level. Such a program would give new appointees superior rights in reductions in force over career employees temporarily promoted.

Accordingly, the Commission would, if permitted by law, make provision for permanent employees to be promoted on a permanent basis.

2. Control of Rapidity of Promotions

The Commission is in thorough agreement with the policy expressed in the Whitten Rider that excessively rapid promotions should be prevented. The specific time and grade requirements have, however, proved inequitable in many situations.

The Commission's program would be to continue effective control so that there would not be excessively rapid promotions. Our basic check on the rapidity of promotions of Government employees would be adherence to sound qualifications standards. During World War II there was some justifiable criticism in this respect since the Commission had not at that time published qualifications standards governing a great many of the war-time positions. Since the war, however, the Commission has prepared and published qualifications standards covering practically every occupational field found in the competitive service, and agencies are required to adhere to these standards when making promotions. I would also like to point out that our qualifications standards generally require that an employee serve a specified period of time in a lower grade before he is eligible for promotion to a higher grade.

It would also be the program of the Commission to continue through its authority under the Classification Act of 1949 the requirements for review and readjustment of the grades of positions under the Classification Act to approximately the same extent as now required by the Whitten Rider.

C. REINSTATEMENTS

It is the opinion of the Commission that career employees returning to the service during this emergency should be permitted to do so on a permanent basis. The number of these cases is so small in comparison

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with the total recruitment picture that there would be little effect on the size of the permanent force. It would, therefore, be our program to permit reinstatements on a permanent basis.

D. TRANSFERS

The Commission would continue the present policy set forth in the Whitten Rider of encouraging the transfers of employees from nondefense to defense activities, principally through the grant of reemployment rights. However, it would be our intent to periodically review the reemployment rights program as recruitment needs of defense activities increase or diminish.

Thank you for this opportunity to submit our views on the question you have presented. I shall be very happy to give you further information if you desire.

Sincerely yours,

(signed)

Robert Ramspeck
Chairman

Sent by Messenger
5:55 on 3/31/52
(WCH)